

Message Text

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ACTION DHA-02

INFO OCT-01 SS-14 ISO-00 AF-04 SP-02 L-01 IO-03 IGA-01

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TO SECSTATE WASHDC 8571
INFO AMCONSUL ASMARA
AMEMBASSY KHARTOUM
AMEMBASSY MOGADISCIO
AMEMBASSY NAIROBI

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TAGS: SHUM, PFOR, PINS, PINT, PORG, EAID, EFIN, ET
SUBJECT: HUMAN RIGHTS: 1976 REPORTING REQUIREMENT FOR ETHIOPIA

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C) ADDIS ABABA 1200; D) STATE 045319

SUMMARY AND CONCLUSION CAUGHT UP IN A POLITICAL, SOCIAL, AND ECONOMIC REVOLUTION, THE EPMG CONTINUES TO VIOLATE INTERNATIONALLY RECOGNIZED HUMAN RIGHTS STANDARDS (USING THE CRITERIA OF THE UNITED STATES AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS), ESPECIALLY AS THESE APPLY TO THE ETHIOPIAN ARISTOCRACY AND SOME ELEMENTS OF THE MIDDLE CLASS. NORMALLY ACCEPTED CONSTITUTIONAL SAFEGUARDS FOR INDIVIDUAL LIBERTIES ARE CURRENTLY MISSING IN ETHIOPIA. THE ERITREAN CIVIL WAR IS LARGE CONDUCTED BY BOTH SIDES WITHOUT REGARD FOR THE NICETIES OF INTERNATIONAL LAW. ETHIOPIA, HOWEVER, IS IN A REVOLUTIONARY SITUATION CREATED BY INEQUITIES COUNTENANCED AND INDEED FOSTERED BY THE OLD ORDER. ITS LEADERS HAVE REPEATEDLY STATED THAT THE REVOLUTION'S PURPOSE IS TO IMPROVE THE ECONOMIC, SOCIAL AND POLITICAL WELL-BEING OF THE

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VAST MAJORITY OF THE ETHIOPIAN PEOPLE AND WHATEVER THE EPMG'S FAILINGS, WE BELIEVE THAT THIS INTENTION IS HONESTLY

HELD. MOREOVER, EPMG POLICIES SUCH AS LAND REFORM HAVE RELEASED MANY ETHIOPIAN PEASANTS FROM A FORM OF ECONOMIC, SOCIAL AND POLITICAL BONDAGE THAT CAN ONLY BE COMPARED WITH MEDIEVAL EUROPE OR 18TH CENTURY RUSSIA. THESE CONSIDERATIONS MUST BE KEPT IN MIND WHEN EVALUATING ETHIOPIA'S HUMAN RIGHTS RECORD IF A BALANCED JUDGEMENT IS TO BE ACHIEVED. EMBASSY THINKS THAT U.S. AID PROGRAMS DO NOW AND WILL CONTINUE TO CONTRIBUTE TO THE WELL-BEING OF THE ETHIOPIAN PEOPLE, EVEN IN CURRENT CIRCUMSTANCES. EMBASSY ALSO CONSIDERS THAT A U.S. THREAT TO REDUCE OR CUT OFF ASSISTANCE TO ETHIOPIA WOULD NOT ACHIEVE THE DESIRED GOAL, I.E., GREATER OBSERVANCE OF HUMAN RIGHTS. ON THE CONTRARY, SUCH A THREAT WOULD PROBABLY RESULT IN DECREASING WHAT INFLUENCE THE UNITED STATES HAS WITH THE EPMG ON THIS AND OTHER IMPORTANT INTERNATIONAL AND BILATERAL ISSUES, AND MIGHT INDEED EXACERBATE THE EXCESSES--SOME OF WHICH ARE BEYOND THE CONTROL OF THE ADDIS GOVERNMENT--WHICH THE REVOLUTIONARY SITUATION HAS BROUGHT. END SUMMARY AND CONSLUSION.

1. IMPORTANT ORDINARY LEGAL GUARANTEES. ETHIOPIA IS IN THE MIDST OF A CONTINUING REVOLUTIONARY SITUATION. ALTHOUGH CIVIL COURTS AND A LEGAL SYSTEM EXIST, THERE IS LITTLE IN THE WAY OF NORMALLY ACCEPTED INSTITUTIONAL LEGAL GUARANTEES (AS DEFINED BY U.S. STANDARDS OR THOSE CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS). A STATE OF EMERGENCY WHICH HAD BEEN DECREED THROUGHOUT THE COUNTRY IN SEPTEMBER 1975 HAS BEEN ENDED, BUT A DE JURE STATE OF MARTIAL LAW EXISTS IN INSURGENT ERITREA. A DE FACTO ONE EXISTS ELSEWHERE IN ETHIOPIA. GIVEN THE DE FACTO ABROGATION OF THE ETHIOPIAN CONSTITUTION IN 1974, NO CONSTITUTIONAL PROVISIONS EXIST FOR THE CURRENT STATE. EPMG PROCLAMATIONS HAVE CONTAINED REFERENCES TO DUE PROCESS IN THEIR IMPLEMENTATION BUT OFTEN THE GOVERNMENT HAS LACKED THE ABILITY AND/OR WILL TO CARRY THESE OUT.

2. GOVERNMENT PRACTICE RE HUMAN RIGHTS: EMBASSY BELIEVES THAT THERE IS IN EFFECT A CONSISTENT PATTERN OF GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS BY THE EPMG PRIMARILY APPLIED TO THE CLASS TARGETS OF THE REVOLUTION:
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THE ARISTOCRACY, AND OTHERS CLOSELY ASSOCIATED WITH THE OLD REGIME. THERE ARE SOME INDICATIONS THAT MEMBERS OF THE MIDDLE CLASS MAY BE INCREASINGLY SUBJECTED TO SIMILAR TREATMENT, ALTHOUGH THERE IS NOT YET SUFFICIENT EVIDENCE AVAILABLE TO FORM A BLANKET JUDGMENT IN THIS RESPECT. SUFFICE IT TO SAY THAT MANY MEMBERS OF THE MIDDLE CLASS WITHOUT CLOSE TIES TO THE OLD ORDER PERCEIVE THEMSELVES TO BE THREATENED. DETENTION WITHOUT CHARGES, CLOSED TRIALS (IF INDEED TRIALS WERE HELD BEFORE SENTENCING, IN SOME CASES), PROBABLE EXECUTIONS AFTER DRUM HEAD PROCEEDINGS, ETC., HAVE EXISTED SINCE THE

BEGINNING OF THE ETHIOPIAN REVOLUTION IN FEBRUARY 1974. CURRENT ESTIMATES OF THOSE HELD INCLUDING RECENT ARRESTS (OF ADDIS 1931, 2006, AND 2158), RANGE FROM SEVERAL HUNDRED TO SEVERAL THOUSAND AND THE ARRESTS CONTINUE, ALTHOUGH MANY OF THESE DETAINEES ARE FAIRLY QUICKLY TURNED LOOSE AFTER INTERROGATIONS. SOME DETAINEES, ON THE OTHER HAND, HAVE BEEN HELD FOR OVER TWO YEARS WITHOUT KNOWN TRIAL OR SENTENCING. OTHERS HAVE BEEN TRIED, FOUND INNOCENT OF THE CHARGES AGAINST THEM--AND NOT RELEASED. THE APPARENT REASONS FOR THE MOST RECENT ARRESTS VARY. SOME OF THOSE DETAINED ARE PLOTTERS OR KNOWN OPPONENTS OF THE REGIME; MANY HAVE CLOSE ETHNIC TIES WITH REBELLIOUS OR TROUBLESOME AREAS OF THE COUNTRY (ERITREA, WOLLO, BEGEMDIR, TIGRE, GOJAM); SOME ARE BUSINESSMEN ACCUSED OF "ECONOMIC CRIMES," OTHERS ARE MIDDLE-CLASS BUREAUCRATS SUSPECTED OF BEING "BUREAUCRATIC CAPITALISTS," I.E. GOVERNMENT EMPLOYEES SUSPECTED OF NOT GIVING WHOLE-HEARTED SUPPORT TO ETHIOPIAN SOCIALISM; SOME ARE RELATIVES OF OLD ORDER FIGURES. THE RECENT ARRESTS, HOWEVER, HAVE TENDED TO CENTER ON ETHNIC GROUPS, WIDOWS OF OLD ORDER FIGURES, RETIRED CIVIL SERVANTS, SOME WITH OUTSTANDING RECORDS OF SERVICE (TO THE OLD ORDER, HOWEVER), AND A FEW HIGHLY RESPECTED TECHNOCRATS.

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ACTION DHA-02

INFO OCT-01 SS-14 ISO-00 AF-04 SP-02 L-01 IO-03 IGA-01

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R 171250Z MAR 76

FM AMEMBASSY ADDIS ABABA

TO SECSTATE WASHDC 8572

INFO AMCONSUL ASMARA

AMEMBASSY KHARTOUM

AMEMBASSY MOGADISCIO

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3. CURRENTLY, THE EPMG IS VIOLATING THE FOLLOWING ARTICLES OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS: ART. 3 (ANYONE'S HOME, PERSON OR PROPERTY IS OPEN TO MILITARY AND POLICE SEARCH AND SEIZURE); ART. 8 (THERE IS CURRENTLY NO CONSTITUTION IN FORCE IN ETHIOPIA, EXCEPT WHERE TRADITIONAL SOCIAL RESTRAINTS AND POLICE PROFESSIONAL ETHICS REMAIN IN FORCE, NO APPARENT LEGAL RECOURSE FOR REMEDYING VIOLATIONS OF HUMAN RIGHTS IS PRACTICABLE); ART. 9 (ARRESTS AND DETENTIONS WHICH IN SOME CASES APPEARS TO BE ARBITRARY RUN INTO THE HUNDREDS OR THOUSANDS); ART. 10 (TRIBUNALS, WHEN HELD ARE USUALLY IN CAMERA AND, WE BELIEVE, ARE RARELY "INDEPENDENT AND IMPARTIAL"); ART. 13 (ETHIOPIANS AND OTHER NATIONALS MAY NOT LEAVE THE COUNTRY WITHOUT AN EXIT PERMIT, WHICH, FOR MANY, IN PRACTICE IS NOT POSSIBLE TO OBTAIN, IN SOME BUT NOT ALL CASES FOR JUSTIFIABLE REASONS, E.G., TAX DISPUTES, CURRENCY IRREGULARITIES, ETC. MANY EDUCATED ETHIOPIANS, WHETHER CLOSELY CONNECTED TO THE OLD ORDER OR NOT, FEEL THAT MERE APPLICATION FOR A VISA MIGHT PUT THEM IN JEOPARDY OF ARREST).

4. EXCEPT POSSIBLY IN ERITREA, THERE IS LITTLE OR NO EVIDENCE OF LIMITED OFFICIAL USE
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DENCE TO INDICATE THAT THE EPMG CONDONES OR ENCOURAGES ITS OFFICIALS TO VIOLATE HUMAN RIGHTS. ALTHOUGH OUR INFORMATION IS SCANTY, WE BELIEVE THAT THERE ARE FEW IF ANY ADMINISTRATIVE CONTROLS OR EFFECTIVE CRIMINAL SANCTIONS WHICH INHIBIT SUCH PRACTICES. IN ERITREA, A 13-YEAR CIVIL WAR HAS ESCALATED TO A MILITARY STALEMATE IN WHICH BOTH SIDES USE TERRORISM AND REPRISAL. EPMG SOLDIERS HAVE ENGAGED IN INDISCRIMINATE KILLING OF CIVILIANS IN ASMARA AND ELSEWHERE; EPMG AERIAL BOMBING AND STRAFING OF VILLAGES RESULT IN CIVILIAN DEATHS; IMPRISONMENT OF SUSPECTED ERITREANS SYNPATIZERS WITHOUT TRIAL IS COMMON; AND THE EPMG USES CONTROLS OF FOOD GRAINS AS WEAPON AGAINST INSURGENTS. AT LEAST IN ONE CASE, HOWEVER, THE EPMG EXECUTED A GROUP OF ITS SOLDIERS FOR BARBAROUS BEHAVIOR TOWARD CIVILIANS.

5. THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) HAS VISITED ETHIOPIA SEVERAL TIMES SINCE THE ONSET OF THE REVOLUTION. SHORTLY AFTER THE NOVEMBER 1974 SUMMARY EXECUTIONS OF OLD ORDER FIGURES, ICRC REPRESENTATIVES WERE ALLOWED TO VISIT POLITICAL DETAINEES. ALTHOUGH THEY HAVE RETURNED TO ETHIOPIA SEVERAL TIMES SINCE THEN, NO ICRC REPRESENTATIVES HAVE BEEN ALLOWED TO INTERVIEW THESE PRISONERS. THEY HAVE BEEN ABLE TO TALK WITH COMMON CRIMINALS WHO LIVE--UNDER THE EPMG AS UNDER THE IEG--IN MEDIEVAL CONDITIONS CONSIDERED ROUTINE IN ETHIOPIA. RECENTLY, HOWEVER, A THIRD COUNTRY MISSION WAS ALLOWED TO VISIT DETAINED MEM-

BERS OF THE ROYAL FAMILY. THIS WAS PROBABLY DUE TO THE FACT THAT THE CONTINUED DETENTION OF THE ROYAL FAMILY HAD CAUSED DOMESTIC POLITICAL PROBLEMS IN THE THIRD COUNTRY, A SIGNIFICANT AID DONOR HERE.

6. THE UNITED STATES BOTH THROUGH ITS EMBASSY IN ADDIS ABABA AND THROUGH THE DEPARTMENT IN WASHINGTON, HAS PERIODICALLY MADE THE EPMG AWARE OF ITS CONCERNs FOR HUMAN RIGHTS, RELEVANT US STATUTORY PROVISIONS AND THE POSSIBLE BILATERAL CONSEQUENCES IF HUMAN RIGHTS WERE VIOLATED. U.S. ECONOMIC AND MILITARY AID WAS "REVIEWED" AND NEW AID SUSPENDED AFTER THE NOVEMBER 1974 EXECUTIONS. NORMAL AID RELATIONSHIPS WERE RESUMED ONLY AFTER THE EPMG HAD GIVEN THE EMBASSY ASSURANCES THAT SUCH "POLITICAL" EXECUTIONS WOULD NOT REOCCUR. PERIODICALLY, SINCE THEN, THE AM-LIMITED OFFICIAL USE
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BASSADOR AND OTHER MEMBERS OF THIS EMBASSY EMBASSY HAVE REITERATED U.S. HUMAN RIGHTS CONCERNs,--EXPLICITLY INCLUDING THOSE RELATING TO ERITREAN WAR EXCESSES--TO RANKING MEMBERS OF THE EPMG, UP TO AND INCLUDING THE PMAC CHAIRMAN, BG TEFERRI BANTE.

7. ASIDE FROM ACTIONS PARA 6 ABOVE, U.S. SECURITY ASSISTANCE HAS NOT OTHERWISE BEEN EXPLICITLY DISSOCIATED FROM THE VIOLATIONS DESCRIBED.

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